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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>18 In re:</p> <p>19 PG&E CORPORATION, 20 And 21 PACIFIC GAS AND ELECTRIC 22 COMPANY,</p> <p>23</p> <p>24 · Affects PG&E Corporation</p> <p>25 · Affects Pacific Gas and</p> <p>26 Electric Company</p> <p>27 X Affects both Debtors</p>	<p>Bankruptcy Case No. 19-30088(DM)</p> <p>Chapter 11</p> <p>(Lead Case) (Joint Administered)</p> <p>District Court Case No. 22-cv-02834</p> <p>CALIFORNIA DEPARTMENT OF WATER RESOURCES' DESIGNATION OF ADDITIONAL RECORD ON APPEAL AND STATEMENT OF ISSUES</p>
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1 Pursuant to Rule 8009(a) of the Federal Rules of Bankruptcy Procedure, the California
2 Department of Water Resources (“DWR”) submits its Designation of Additional Record on Appeal
3 and Statement of Issues. DWR reserves the right to designate additional items for inclusion in the
4 record or restate the issues presented on appeal.

5 **DWR DESIGNATION OF RECORD ON APPEAL**

6 DWR designates all of the items to be included in the record on appeal that were designated
7 by the Appellants Silicon Valley Power and Northern California Power Agency, and designates the
8 additional items referenced below, each of which includes all exhibits and addenda attached thereto
9 and filed therewith and any and all documents incorporated by reference therein.

Dkt. No.	Additional Items Designated by DWR	Date
65221	Northern California Power Agency Proof of Claim	10/18/2019
60676	City of Santa Clara dba Silicon Valley Power Proof of Claim	10/18/2019
7231	Municipal Objectors’ (including Northern California Power Agency) Objection to Plan Confirmation and Objection to Cure Notice and Other Matters Pertaining to Assumption Pursuant to Section 365(B)(1) of the Bankruptcy Code	5/15/2020
7281	California State Agencies’ Objection to Confirmation of Debtors’ and Shareholders Proponents’ Joint Chapter 11 Plan of Reorganization Dated March 16, 2020 [Docket No. 6320]	5/15/20

17 **DWR STATEMENT OF ISSUES ON APPEAL**

18 DWR objects to the issues as framed by Appellants. DWR presents the following issues as
19 proper for the Court on appeal:

20 1. Whether Appellants Silicon Valley Power (“SVP”) and Northern California Power
21 Agency (“NCPA”) have standing to appeal the bankruptcy court’s Order Regarding Dispute
22 Between Debtors and California Department of Water Resources (Dkt # 12207) and Order Denying
23 Motion of the Reorganized Debtors for Entry of an Order Modifying Plan Injunction and
24 Compelling Arbitration of Claim of California Department of Water Resources (Dkt #12001).

25 2. Whether the bankruptcy court properly denied SVP’s and NCPA’s motion to
26 intervene after it had already issued its Memorandum Decision regarding DWR and the Debtors’
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1 Motions (Dkt #11999), and SVP and NCPA had been served with notice of DWR's Motion (Dkt #
2 11887) but chose not to respond to such motion.

3 3. Whether Appellants' appeal from the Order Denying Motion of the Reorganized
4 Debtors for Entry of an Order Modifying Plan Injunction and Compelling Arbitration of Claim of
5 California Department of Water Resources (Dkt #12001) entered March 8, 2022, is timely.

6 4. If Appellants have standing and the appeal is timely, whether the bankruptcy court
7 properly exercised its discretion under *In re Thorpe Insulation Co.*, 671 F.3d 1011 (9th Cir. 2012)
8 in denying Debtors' request for arbitration because it conflicted with provisions in the Plan and
9 Confirmation Order that Debtors agreed to and that expressly reserved jurisdiction for the Court to
10 decide executory contract, cure dispute and claims allowance issues.

11 5. If Appellants have standing and the appeal is timely, whether the bankruptcy court
12 properly determined, based on the undisputed facts and the terms of the Castle Rock Agreement,
13 that DWR's notice of termination was effective one year after it gave its notice of termination and
14 that DWR did not owe anything, including any removal costs, to the Debtors or SVP and NCPA as
15 a prerequisite for or consequence of such termination.

16 DWR notes that there is another appeal that concerns substantially the same parties,
17 property, transaction and events pending before this Court and the Honorable Haywood S. Gilliam,
18 Jr. as Case No. 4:22-cv02833-HSG. Since the two appeals are before the same District Court Judge,
19 DWR does not believe an Administrative Motion to Consider Whether Cases Should be Related as
20 provided in Local Rule 3-12 is necessary.

[Signatures Begin on the Following Page]

1 Dated: June 1, 2022

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
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5 ANNADEL ALMENDRAS, SBN 192064
6 Supervising Deputy Attorneys General

7 By: /s/ Paul J. Pascuzzi

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PROOF OF SERVICE

I, Susan R. Darms, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 500 Capitol Mall, Suite 2250, Sacramento, CA 95814.

On June 1, 2022, I served the within document:

CALIFORNIA DEPARTMENT OF WATER RESOURCES' DESIGNATION OF ADDITIONAL RECORD ON APPEAL AND STATEMENT OF ISSUES

By Electronic Service only via CM/ECF.

/s/ Susan R. Darms
Susan R. Darms